

From: David Diplock
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/25/02 2:03pm
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
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As a software engineer with over 10 years of experience developing for various platforms, I wish to comment on the proposed Microsoft settlement (PFJ) under the Tunney Act. I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html> <<http://www.kegel.com/remedy/remedy2.html>>), and have asked to be included as a co-signer to his letter. In addition, I would like to summarize my personal views on the PFJ.

The PFJ as currently written simply does not go far enough. There is no doubt, given Microsoft's past behavior, that it will attempt to circumvent and evade the terms of this agreement. The PFJ is so narrowly defined that it allows plenty of maneuvering room, especially considering that it will be applied in an industry as fluid as the software industry. Therefore, the PFJ will fail in its intended purpose -- to prevent Microsoft from continuing its illegal and anticompetitive practices. Such failure would clearly not be in the public interest.

Strengthening the settlement agreement, as proposed by Dan Kegel and by certain plaintiff states, is necessary for the remedy to be effective.

Sincerely,

David Diplock
San Diego, California
Software Engineer, Peregrine Systems

Please note that these views are my own, and do not necessarily reflect the views of my employer.